

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

ORDER

From October 24 to October 26, 2011, the Court held a jury trial in this matter. The jury returned the *Verdict* which is **ORDERED** filed.

Based on the jury's verdict, the Court **ADJUDGES** the Defendant, Hughie Elbert Stover, **GUILTY**, and he now stands convicted of *knowingly and willfully making a materially false, fictitious or fraudulent statement*, in violation of 18 U.S.C. § 1001, as charged in Count One of the Superseding Indictment; and of *knowingly and willfully causing the concealment, cover up, mutilation or destruction of documents with the intent to impede, obstruct or influence an investigation*, in violation of 18 U.S.C. §§ 2(b) and 1519, as charged in Count Three of the Superseding Indictment.

Pursuant to U.S.S.G. § 6A1 et seq., and subject to any post-trial motions, it is hereby **ORDERED** as follows:

The Court **ORDERS** that the Probation Office prepare and forward a draft presentence report to the United States and counsel for the Defendant no later than **January 4, 2012**; that the United

States Attorney and counsel for the Defendant file objections to the draft presentence report no later than **January 19, 2012**; that the Probation Office submit a final presentence report to the Court no later than **February 2, 2012**; and that the United States and counsel for the Defendant file a sentencing memorandum no later than **February 14, 2012**. **THE AFORESAID PRESENTENCE REPORT DEADLINES HAVE BEEN ESTABLISHED BY THE COURT AND MAY BE ALTERED ONLY BY THE COURT. REQUESTS TO EXTEND ANY DEADLINE SHALL BE SUBMITTED TO THE COURT IN WRITING IN ADVANCE OF THE ESTABLISHED DEADLINE. SUCH DEADLINES WILL BE EXTENDED ONLY UPON GOOD CAUSE SHOWN.**

Pursuant to United States v. Booker, 543 U.S. 220 (2005) and United States v. Hughes, 401 F.3d 540 (4th Cir. 2005), the Government and the Defendant are hereby **ORDERED** to file a Sentencing Memorandum addressing the sentencing factors set forth in 18 U.S.C. § 3553(a) as may pertain to this case. The Sentencing Memorandum may also address such other matters not previously addressed in the form of motions or objections to the Presentence Report and may include argument as to the appropriate sentence to be imposed. Sentencing Memoranda shall be no more than five (5) pages in length.

The Court **SCHEDULES** final disposition of this matter for **February 29, 2012, at 11:00 a.m., in Beckley, West Virginia.**

The Court **ORDERS** the Defendant released upon the previously executed \$10,000 personal recognizance bond, subject to the conditions set forth in the Order Setting Conditions of Release previously filed herein. In addition, the Court **ORDERS** the Defendant to comply with the

following special condition of release: The Defendant shall appear for sentencing on February 29, 2012, at 11:00 a.m.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the United States Marshal.

ENTER: October 27, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA